

Application No. 10/663,979

Art Unit: 3714

**REMARKS**

This response is submitted in reply to the Office Action mailed February 27, 2008, ("Office Action") in which the Examiner objects to Claims 29, 30, and 32. Claim 29 is currently amended. Claims 30 and 32 stand previously presented. No new matter has been added.

5 Applicant has amended the claims language based upon the phone interview of April 1, 2008 ("Interview") to overcome the Examiner's objections. Specifically, Applicant amended the claims language to clarify two features of the Present Invention: a) wildcard symbols may act as any other symbol to form a winning symbol combination during the evaluation process of the game and b) wildcard symbols expand by simultaneously occupying two or more positions in the  
10 symbol matrix

**Rejection Under 35 US §103**

In the Office Action, the Examiner rejects Claims 29, 30 and 32 as an obvious combination of Benett (US 6,585,264) and Locke (US2003/0022712) under 25 USC §103. Applicant respectfully submits that the combination of Benett and Locke do not teach the same  
15 methods as the Present Application and, therefore, provide no grounds for rejection.

Benett teaches a game in which wildcard symbols expand in one of a plurality of directions. Benett, however, does not contemplate expansion of a wildcard symbol in all of the available directions. As the Examiner states: "Benett does not specifically disclose automatically expanding wildcard symbols, if displayed in the symbol matrix, in all of the predetermined  
20 directions associated with each said wildcard symbol." (Office Action, page 4, lines 17-19; emphasis added; italics omitted.)

The Examiner, however, then cites Locke as an example of an "analogous expansion slot machine game" (Office Action, page 4, line 22) in which wildcard symbols expand in all of the

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predetermined directions associated with the wildcards symbols. More specifically, the Examiner refers to a balloon symbol embodiment in which:

5 ...the balloon wildcard symbol may only move in an upward direction, as governed by the wildcard indicia itself. Because the balloon may only move upward and does so, as shown in Fig. 7-9, the balloon wildcard symbol expands in all of the predetermined directions assigned by the directional indicia. (Office Action at page 5, lines 8-11.)

10 Applicant, however, respectfully submits that Locke is not an analogous wildcard expansion slot machine game, as Locke neither uses wildcard symbols nor teaches any methods of expanding wildcard symbols. Instead, Applicant submits that Locke teaches a "roaming symbol" feature that moves a non-wildcard symbol from its initial position to another position without expanding, enlarging, or otherwise altering the size or scope of said symbol.

**1. Definition and scope of the term: "wildcard"**

15 In the Office Action, the Examiner states that the "balloon symbol of the embodiment displayed in Fig.6-9, may be considered a 'wildcard symbol' in the broadest reasonable interpretation of the term in that the balloon symbols provide an additional award to a player." (Office Action at page 7, lines 11-14.)

20 In the Interview, Applicant argued that the Examiner's definition of "wildcard" was overly broad and encompassed all symbols, wildcard and non-wildcard, since any symbol may provide an additional award. For example, scatter pay symbols provide an additional award of a multiple of the total wager, but scatter pay symbols are not considered wildcards in the field of slot machine games.

25 Instead, Applicant proffered that in the field of slot machine games a wildcard is a symbol whose value can vary to act as another symbol in order to form winning combinations. Using this definition, Applicant argued that no "wildcard" symbols appear in Locke. Instead

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Locke uses a roaming symbol, such as a balloon, to provide scatter awards by revealing multiplier values that are applied to the total wager.

The Examiner agreed that Locke does not use wildcard symbols in the manner proffered by Applicant. However, the Examiner stated that the widest interpretation of 'wildcard' was required and suggested modifying the claims language to reflect the specific manner in which wildcard symbols may act as other symbols during the evaluation phase of the Present Application.

Thus, in order to further define the term "wildcard" during the evaluation process, Applicant amends Claim 29 at step (f) to read: "evaluating winning symbol combinations formed using expanded wildcard symbols wherein each said wildcard symbol may act as any other symbol in order to form a winning symbol combination..."

## **2. Definition and scope of the term: "expansion"**

In the Office Action, the Examiner states that the upward movement of a balloon symbol is "progressive movement from one symbol position to the next [which] sufficiently meets the definition of "expansion", as the balloon symbol expands to increase the number or spaces that it occupies or has occupied." (See Office Action at page 8, lines 8-10.)

In the Interview, Applicant argued that the Examiner's definition of "expansion" was incorrect. Applicant stated that the progressive movement of an object from one location to another does not expand the objects size, volume, quantity or scope. Movement simply changes the location of an object in the symbol matrix. In support of this interpretation, Applicant cited to the American Heritage Dictionary definition of "expansion" as "becom[ing] larger in size, volume, quantity or scope."

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The Examiner agreed that Locke moves a roaming symbol from one symbol position to another symbol position. The roaming symbol does not grow in size, volume, quantity or scope, and therefore cannot occupy multiple symbol positions at the same time. Further, the Examiner recognized that the Present Application teaches wildcard symbols that expand to become larger and simultaneously cover more positions of the symbol matrix. However, the Examiner suggested modifying the claims language to reflect the specific manner in which wildcard symbols expand in the Present Application.

In order to further define the term "expansion" to include simultaneous covering of multiple symbol positions, Applicant amends Claim 29 at step (d)(1) to read: "expands by simultaneously occupying two or more positions in the symbol matrix."

### Conclusion

In view of the foregoing remarks, Applicant respectfully submits that the present invention teaches novel methods of playing a slot machine game using expanding wildcard symbols and that prior art does not show or suggest the novel features recited in Claims 29, 30 and 32, as currently amended.

Applicant strongly emphasizes that anyone reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable.

Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the

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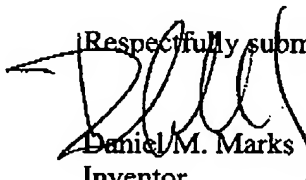
claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicant reserves the right to pursue the original  
5 subject matter recited in the present application and claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the  
10 intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

For all the reasons advanced above, Applicant respectfully submits that the rejections have been overcome and should be withdrawn. And, for all the reasons advanced above,  
15 Applicant respectfully submits that the Application is in condition for allowance, and that such action is earnestly solicited.

Respectfully submitted,

  
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